

on a substrate with fine concavities and convexties formed on a surface thereof on a side onto which said irradiation of light is performed a formed film layer the surface of which is made a surface of fine concavities and convexties representing said fine concavities and convexties and which has at least a recording layer; and

a light transmission flattenable film which buries therein the fine concavities and convexties surface, and which has a transmission characteristic with respect to the irradiated light, and which has its surface polished and has a hardness enabling it to be polished,

wherein said light transmission flattenable film consists of inorganic flattenable material having a thickness that is 400 nm or less.

5. (amended) The optical recording medium according to claim 1, wherein the substrate consists of organic material substrate made of polyether sulfone (PES) or polyether imide (PEI).

10. (amended) The optical recording medium according to claim 1, wherein the thickness of the light transmission flattenable film is 100 nm or less.

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14. (amended) The optical recording medium according to claim 42, wherein a backing layer of dielectric material is formed on a surface where the light transmission flattenable film is formed.

CS  
15. 36. (amended) The optical recording medium according to claim 42, wherein said backing layer is a first dielectric, said light transmission flattenable layer is a second dielectric, and said surface layer is a third dielectric.

C4  
16. 38. (amended) The optical recording medium according to claim 42, wherein said light transmission flattenable film is on said formed film layer.

Please add the following new claims.

C1  
17. 42. (new) The optical recording medium according to claim 1, wherein said light transmission flattenable film includes a backing layer, a light transmission flattenable layer and a surface layer, said backing layer being above said formed film layer, said light transmission flattenable layer being above said backing layer, said surface layer being above said light transmission flattenable layer.